

REMARKS

The Examiner and the undersigned held a telephone interview on April 9, 2008. The pending claims and the cited references were discussed. No agreement on the final disposition of the pending claims was reached.

Applicant proposes amending claims 1, 14, and 26 as indicated herein. No new matter has been added. Pursuant to these amendments, claims 1-37 are pending in the present application.

In the Office Action, claims 1-37 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Pursuant to the amendments indicated herein, the Examiner's rejections are respectfully traversed.

To access and receive multicast services, such as MBMS, each subscriber should have a wireless unit (e.g., user equipment) supportive of such featured services. For example, the wireless unit of a subscriber should have the appropriate hardware, such as a display, to convey receive multimedia content to the user. See Patent Application, page 3, lines 12-20. Embodiments of the methods described in the present application provide signaling techniques to enable the determination as to whether a subscriber with the appropriate privilege(s) has sufficient supportive requirements (including the appropriate hardware) to successfully access and receive a multicast service, such as MBMS. See Patent Application, page 5, line 28-page 6, line 5.

For at least the aforementioned reasons, Applicants respectfully submit that claims 1-37 (as amended herein) comply with the written description requirement. Applicants respectfully request that the Examiner's rejections of claims 1-37 under 35 U.S.C. § 112, first paragraph, be withdrawn.

In the Office Action, claims 1-5, 14, 25-31, and 35-37 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Sato, et al (U.S. Patent Publication No. 2002/0003798). Claim 3 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sato in view of Shibata (U.S. Patent Publication No. 2006/0195602). Claims 6-13, 15-22, and 32-34 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sato in view of Trossen, et al (U.S. Patent Publication No. 2003/0157899). The Examiner's rejections are respectfully traversed.

Claims 1 and 26 set forth receiving a multicast control message that indicates hardware functionality required to be implemented in the mobile unit to enable the mobile unit to access and receive at least one multicast service. Claims 1 and 26 also set forth the steps of determining whether the mobile unit implements the required hardware functionality and selecting the multicast service when the mobile unit implements the required hardware and/or software functionality. Claim 14 sets forth receiving subscription information and transmitting a multicast control message indicating hardware functionality required to be implemented in a mobile unit to enable the mobile unit to access and receive at least one multicast service. Claim 14 also sets forth receiving information indicative of selection of a multicast service in response to the multicast control message. The selection is made based on the determination of whether the mobile unit implements the required hardware and/or software.

Sato describes a wireless base station 20 that transmits to the wireless terminal 10 the transmission conditions of multicast information corresponding to a request to multicast group. The transmission conditions may indicate a wireless channel, a transmission rate, a number of modulation levels, a transmission time slots, a processing gain, spreading codes, and a number of spreading codes. See Sato, paragraph [0061]. However, Sato does not describe or suggest

sending a message that includes information indicating hardware functionality that must be implemented in the mobile unit to enable the mobile unit to access him receive a corresponding multicast service.

For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not anticipated by Sato and request that the Examiner's rejections of claims 1-5, 14, 25-31, and 35-37 under 35 U.S.C. § 102(e) be withdrawn.

Applicants also respectfully submit that the pending claims are not obvious over Sato, Shibata, and Trossen, either alone or in combination. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). As discussed above, Sato fails to teach or suggest determining and/or receiving information indicative of one or more hardware requirements for accessing and/or receiving multicast services, as set forth in independent claims 1, 14, and 26. With particular regard to independent claim 26, Applicants respectfully submit that Sato fails to teach or suggest determining information indicative of one or more supportive requirements that indicate hardware functionality implemented in a mobile unit for providing at least one multicast service to a user of the mobile unit.

Applicants further submit that the secondary references do not remedy these deficiencies in Sato. Shibata describes multicast subscription data and Trossen describes multicast services that are provided at different data rates. However, Shibata and Trossen are completely silent with regard to determining hardware requirements for accessing and receiving at least one multicast service based on information included in the multicast control message, as set forth in independent claims 1, 14, and 26.

The prior art of record also fails to provide any suggestion or motivation for modifying and/or combining the cited references to arrive at the claimed invention. Sato describes a wireless base station 20 that transmits transmission conditions of multicast information corresponding to a request to multicast group. The transmission conditions may indicate a wireless channel, a transmission rate, a number of modulation levels, a transmission time slots, a processing gain, spreading codes, and a number of spreading codes. See Sato, paragraph [0061]. Sato, Shibata, and Trossen assume that the mobile units that are receiving the multicast sessions have sufficient hardware requirements to provide the multicast sessions to users. Thus, none of the cited references provide any suggestion or motivation to modify the prior art of record to include determining and/or receiving information indicative of one or more supportive requirements for accessing and/or receiving multicast services, as set forth in independent claims 1, 14, and 26. Furthermore, the Examiner has not provided a reason why persons of ordinary skill in the art would have been motivated to combine and modify the cited references to arrive at the invention set forth in the pending claims (as amended herein).

For at least the aforementioned reasons, Applicant respectfully submits that claims 1 and 14, and all claims depending therefrom, would not have been obvious over Sato, Shibata, and Trossen, either alone or in combination. Applicant requests that the Examiner's rejections of claims 3, 6-13, 15-24, and 32-34 under 35 U.S.C. § 103(a) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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